

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

CATHY DENTON

PLAINTIFF

V.

CASE NO. 3:16-CV-03012 TLB

SUN LIFE ASSURANCE COMPANY OF
CANADA AND HARPS FOODS STORES, INC.

DEFENDANTS

ANSWER OF SEPARATE DEFENDANT HARPS FOOD STORES, INC.

Comes separate defendant, Harps Food Stores, Inc., by and through counsel Barber Law Firm PLLC, and for its Answer to the Complaint filed herein, states:

1. Defendant denies all allegations in the Complaint which are not specifically admitted herein.

2. Paragraph 1 contains mere conclusions of law to which no response is required. To the extent paragraph 1 contains allegations of fact alleging liability on the part of Harps Food Stores, Inc., it is denied.

3. With regard to paragraph 2, it is admitted that the ERISA statute provides for appeals of benefit denials, but defendant is without sufficient information to form a belief as to the truth or falsity of the allegation that the avenues of appeal has been exhausted, so that allegation is denied.

4. Paragraph 3 is denied.

5. Defendant admits the nature of this claim as alleged in paragraph 4 but denies that it has any liability or any benefits.

6. With regard to paragraph 5, plaintiff's current residence is known, and therefore denied, as are all other allegations in paragraph 5.

7. Paragraphs 6 and 7 are denied.

8. With regard to paragraph 8, defendant admits plaintiff's employment and her cessation of employment. The remaining allegations therein are unknown and, therefore, denied.

9. At this time, defendant is without sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraphs 9, 11 (there is no paragraph 10), 12, 13 and 14 of the Complaint and, for those reasons, same are denied.

10. Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, the Complaint should be dismissed for improper venue, insufficiency of process, insufficiency of service of process and failure to state a claim for which relief can be granted.

WHEREFORE, having fully answered, separate defendant, Harps Food Stores, Inc., prays that the Complaint filed herein be dismissed, for costs expended herein and all other appropriate relief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2016, I electronically filed the foregoing with the using the CM/ECF system, which shall send notification of such filing to the following:

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